

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 99

In Senate, Feb. 13, 1911.

*Reported by Mr. Moulton from Committee on Agriculture
and ordered printed under joint rules.*

W. C. HANSON, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT to amend Chapter 247 of the Public Laws of 1909,
providing for the uniform grading, packing and branding of
apples.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section two of Chapter 247 of the Public Laws
2 of 1909 is hereby amended by striking out the word "ten"
3 in the seventh line of said Section and substituting therefor
4 the word 'five,' so that said Section shall read as follows:

'Section 2. Fancy apples shall consist of apples of one
6 variety above the average size and color for the variety,
7 sound and free from worm holes, bruises, scab or any other
8 defect that materially injures the appearance or useful
9 quality of the apples, and shall be properly packed in clean,

10 strong packages. Any package, barrel or box of apples
11 containing more than five per cent. of apples below this
12 standard shall not be marked as fancy apples.'

Sect. 2. Section three of Chapter 247 of the Public Laws
2 of 1909 is hereby amended by striking out the word "ten"
3 in the ninth line of said Section and substituting therefor
4 the word 'five,' so that the Section, as amended, shall read:

Section 3. Number one, or class one, shall consist of well
6 matured apples of one variety of normal shape and good
7 color for the variety, not less than two and one-quarter
8 inches in diameter, sound and free from all defects such
9 as worm holes, bruises, scab or any other defect that ma-
10 terially injures the appearance or useful quality of the ap-
11 ple, and shall be properly packed in clean, strong packages.
12 Any package, barrel or box of apples containing more than
13 five per cent. of apples below this standard shall not be
14 marked as number one or class one.'

Sect. 3. Section seven of said Chapter 247 is hereby
2 amended by striking out the words "and fifty" in the twelfth
3 line of said Section, so that the Section as amended shall
4 read as follows:

'Sect. 7. The standard measure of capacity for all ap-
6 ple barrels shall be three bushels, the barrels shall be of no
7 less dimensions than seventeen and one-eighth inches for
8 the head diameter; length of stave twenty-eight and one-
9 half inches, with bilge circumference not less than sixty-
10 four inches outside measurement, and shall be plainly

11 marked, "standard barrel." Barrels of less dimensions and
12 capacity shall be plainly marked on end and side, "short
13 barrel" with the figures indicating the fractional part of
14 a "standard barrel" therein contained.

'The standard bushel box shall be twenty inches by eleven
16 by ten inches, inside measurement, or of such dimensions as
17 shall contain two thousand two hundred cubic inches and
18 marked "standard bushel box." Any box of less dimen-
19 sions than the above mentioned shall be plainly marked
20 on the top and side, "short box," and with the fractional
21 part of a bushel contained therein.'

Sect. 4. Section eight of said Chapter 247 is hereby
2 amended by inserting between the words "who" and "sells"
3 in the first line of said Section the word 'ships,' so that
4 said Section as amended shall read:

'Sect. 8. Any person, corporation, or firm who ships,
6 sells or offers for sale barrels, boxes, crates and other closed
7 packages of apples, not conforming to the provisions of this
8 act; or any person, corporation or firm who manufactures
9 barrels, boxes, crates or other closed packages for the ap-
10 ple or fruit trade, not conforming to the provisions of this
11 act, shall be punished by a fine not exceeding one hundred
12 dollars for the first offense and not exceeding two hun-
13 dred dollars for each subsequent offence. Trial justices
14 and municipal and police courts are hereby vested with
15 original jurisdiction concurrent with the supreme judicial
16 and superior courts, to try, and upon conviction, to punish,

17 for offences against the provisions of this act.’

Sect. 5. Sections nine, ten and eleven of said Chapter
2 247 are hereby repealed and the following Sections sub-
3 stituted therefor :

‘Sect. 9. When the Commissioner of Agriculture re-
5 ceives reliable notice of the violation of any of the pro-
6 visions of this Chapter of the Acts of 1909, he shall cause
7 notice of such fact to be given to the party or parties con-
8 cerned. The parties so notified shall be given an oppor-
9 tunity to be heard under such rules and regulations as may
10 be prescribed by said Commissioner of Agriculture. Such
11 notices shall specify the date, hour and place of a hearing
12 to be had before said Commissioner, and if upon such in-
13 vestigation it is shown that such parties have violated the
14 provisions of this act, said Commissioner shall proceed to
15 prosecute said parties for such offence, as provided by Sec-
16 tion 8 of this Chapter.

‘Sect. 10. No dealer shall be prosecuted under the pro-
18 visions of this act when he can produce a guaranty, signed
19 by the seller or packer of said fruit from whom he received
20 or purchased the same, to the effect that the same is not
21 misbranded or falsely labelled, within the meaning of this
22 act. Said guaranty, however, to afford protection shall
23 contain the name and address of the party or parties mak-
24 ing the sale of such fruit to said dealer, and in such case
25 said party or parties so making the sale shall be amenable
26 to the prosecutions, fines and other penalties which would

27 attach in due course to the dealer under the provisions of
28 this act.

‘Sect. 11. The Commissioner of Agriculture shall em-
30 ploy inspectors who shall, on request, inspect all apples
31 intended for sale or shipment outside of the State to as-
32 certain if they are sorted, packed and marked according to
33 the provisions of this act, and shall grant a certificate if
34 such barrels or boxes are found to comply with these pro-
35 visions. Such inspection shall not delay shipment.

‘Any person refusing to allow such inspection shall be sub-
37 ject to a fine of not less than twenty-five nor more than
38 fifty dollars. The sum of five hundred dollars, or such
39 portion thereof as may be necessary, is hereby appropriated
40 annually for the purpose of carrying into effect the pro-
41 visions of this act, same to be expended under the direction
42 of the Commissioner of Agriculture.’